

1 **DEAN W. O'CONNOR, P.L.L.C.**

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Dean W. O'Connor, #011941

Attorney for New Horizons

5 **IN THE UNITED STATES BANKRUPTCY COURT**
6 **FOR THE DISTRICT OF ARIZONA**

7 CH 13 PROCEEDING

8 **In re:**
Susan Simpson,

CASE NO. 2:20-bk-02088 EPB

9 **Debtor.**

**APPLICATION FOR PRODUCTION
OF DOCUMENTS AND ORAL
EXAMINATION PURSUANT TO
F.R.B.P. 2004**

11 New Horizons a secured creditor, by and through undersigned counsel, applies for this
12 Court to enter an order directing the Debtor Susan Simpson, to produce documents and appear
13 for purposes of examination under oath pursuant to the Federal Rule of Bankruptcy Procedure
14 2004. For this Application, the Debtor respectfully represents that:

- 15 1. The Debtor filed her voluntary Petition under Chapter 13 of the United States
16 Bankruptcy Code on 3/2/2020.
- 17 2. At the time of the bankruptcy filing, the Debtor claimed to be unemployed and was
18 behind on payments to this creditor as a second lienholder on her residence, as well as
19 the first lienholder, Chase Bank.
- 20 3. New Horizons has filed an objection to the Debtor's plans as filed and amended and
21 objects to confirmation on the grounds of feasibility and other grounds including it is
22 not proposed on good faith. New Horizon's has filed a Motion to Dismiss this case.
23

1 4. A motion and order for the F.R.B.P. 2004 Exam may be granted ex parte.

2 *In re Good Hopes Refineries, Inc.* 9 B.R. 421, 422 (Bankr D. Mass 1981).

3 **WHEREFORE**, the Debtor respectfully requests the Court enter the accompanying order
4 requiring Debtor Susan Simpson to appear for a 2004 Exam and produce the documents
5 requested in Exhibit "A" at the law office of Dean W. O'Connor, PLLC 2942 N 24th Street Suite
6 114-336 Phoenix, Az 85016, and to appear as directed at said offices or by online for oral
7 examination at a time agreeable to the parties or as ordered by the Court.

8 **DATED** this 29th day of January, 2021.

9
10 Dean W. O'Connor P.L.L.C.

11 /s/ Dean W. O'Connor

12 Dean W. O'Connor, Esq.

13 Counsel for New Horizons
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EXHIBIT A:

Susan Simpson is directed to bring to the examination, or at least 5 days before the examination, the following:

1. All bank account statements, the complete monthly statements, showing deposits and withdrawals, in a monthly format, since March 1, 2020 until the most recent statement including January 2021.
2. All paystubs, checks, and cash deposits showing all income received from any source since the case was filed, including social security, renters or other sources of income including a copy of any W-2 received.
3. Any contracts and other evidence of employment or income to be generated as an independent contractor or manufacturer's representative, including but not limited income to be generated working with HUD or a related entity for the installation of units as set forth in the Debtor's Affidavit filed in this case on or about Jan 26, 2021. All contracts, emails and correspondence evidencing Debtor's income or potential income as stated in her affidavit filed in this case.
4. Copies of all income and sources of deposits of funds, and/or the funds used to make the two regular monthly payments to Chase Bank on Debtor's first mortgage in January 2021, on or about Jan. 20 and Jan. 21, 2021.
5. All paystubs or evidence of payments made to Debtor from Gray's Roofing since her employment, as disclosed on Schedule I, filed in this case.
6. Evidence and source of any gifts made to the Debtor, monetarily, since filing greater than \$500 in value.
7. Evidence of any loans taken or made by Debtor, or for the Debtor's benefit since filing of the case.
8. All correspondence and statements, complete copies, of the status, balances and amounts paid and when by the Debtor on her first mortgage with Chase Bank since the case was filed on 3/2/2020.

1 **CERTIFICATE OF SERVICE**

2 ORIGINAL of the foregoing filed ECF on this 29th day of January, 2021, to:

3 US Bankruptcy Court for the District of Arizona
230 N 1st Ave Suite 100
4 Phoenix, AZ 85003

5 **COPY** of the foregoing mailed on this 29th day of January, 2021, to:

6
7 **U.S Trustee**
Office of the U.S Trustee
8 230 North First Avenue
Suite 204
9 Phoenix, AZ 85003

10 All parties on the attached master mailing list dated 1/29/21+++

11 By: /s/Dean W. O'Connor
Dean W. O'Connor
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Label Matrix for local noticing
970-2
Case 2:20-bk-02088-EPB
District of Arizona
Phoenix
Fri Jan 29 15:43:44 MST 2021

RA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

BRAD GILBERTSON
522 E McDONALD DR
SCOTTSDALE, AZ 85250-6011

Colina Del Norte Homeowners Association
c/o Goodman Holmgren Law Group, LLP
3654 N. Power Rd. Ste. 132
Mesa, Arizona 85215-9789

NEW HORIZON 401(K) PROFIT SHARING PLAN FBO B
GILBERTSON, TRUSTEE
522 E. McDONALD DR
SCOTTSDALE, AZ 85250-6011

U.S. TRUSTEE
OFFICE OF THE U.S. TRUSTEE
30 NORTH FIRST AVENUE
SUITE 204
PHOENIX, AZ 85003-1725

EDWARD J. MAMEY
601 N. FIRST AVE., SUITE 1775
PHOENIX, AZ 85003-1927

ARIZONA DEPARTMENT OF REVENUE
2005 N Central Ave Suite 100
Phoenix, AZ 85004-1546

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-0608

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

(p)FIRST FEDERAL CREDIT CONTROL INC
24700 CHAGRIN BLVD
SUITE 205
BEACHWOOD OH 44122-5662

NEW HORIZONS 401(K) PROFIT SHARING PLAN FBO
BRAD GILBERTSON
7522 E. McDONALD DR
SCOTTSDALE, AZ 85250-6011

Verizon
by American InfoSource as agent
PO Box 4457
Houston, TX 77210-4457

GARY R. STICKELL
ATTORNEY AT LAW, P.C.
301 E. BETHANY HOME ROAD
SUITE B100
PHOENIX, AZ 85012-1259

NEW HORIZONS 401K PROFIT SHARING PLAN
7522 E. McDONALD DRIVE
SCOTTSDALE, AZ 85250-6011

ARIZONA DEPARTMENT OF REVENUE
c/o Tax, Bankruptcy and Coll
2005 N Central Ave, Suite 100
Phoenix, AZ 85004-1546

COLINA DEL NORTE HOMEOWNERS ASSOCIATION
THRIVE COMMUNITY MANAGEMENT
3100 W RAY RD
CHANDLER, AZ 85226-2472

JPMorgan Chase Bank, National Association
Seventh Floor Camelback Esplanade II
2525 E. Camelback Rd,
Phoenix, AZ 85016-4219

TRU STAR MANAGEMENT SOLUTIONS
3100 W RAY RD
CHANDLER, AZ 85226-2470

Clint W. Goodman
Goodman Law Group LLP
3654 N. Power Rd. Suite 132
Mesa, AZ 85215-9789

SUSAN SIMPSON
5320 E. THUNDER HAWK RD
CAVE CREEK, AZ 85331-5594

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BASE
PO BOX 182613
COLUMBUS, OH 43218

FIRST FEDERAL CREDIT CONTROL
24700 CHAGRIN BLVD
BEACHWOOD, OH 44122

(d)FIRST FEDERAL CREDIT CONTROL
24700 CHAGRIN BLVD
SUITE 205
BEACHWOOD, OH 44122

u)JPMorgan Chase Bank, National Association

(d)PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

End of Label Matrix	
Mailable recipients	20
Bypassed recipients	2
Total	22